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**MAY 13 2004**

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**FACSIMILE TRANSMISSION COVER SHEET**

**TO:** USPTO

**FACSIMILE NO.:** (703) 872-9306

**TELEPHONE NO.:**

**FROM:** Samuel S. Lee

**DATE:** May 13, 2004

**PAGES:** 9 (including cover)

**OUR REF. NO.:** 582.02

**RE:** U.S. Patent Application for METHODS AND COMPOSITIONS FOR  
TREATING BACK PAIN

**COMMENTS:** Per Examiner Sharareh's instructions, we are faxing the response filed  
with the USPTO on December 29, 2003. The Examiner indicated that  
it was never received. Also attached is the postcard received back from  
the PTO.

**Hard Copy To Follow:** ☐ Yes ☒ No

**CONFIDENTIALITY NOTE**

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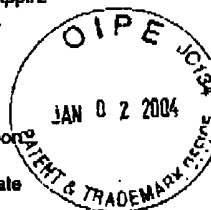
DERGOSITS &amp; NOAH, LLP

Serial No. 10/006,858 File No. 582.02 By SSK  
 In the Matter of the Application of David C. Yeomans  
 Date Mailed 12-29-03 Due Date 1-3-03

The following has been received in the U.S. Patent Office on the date stamped hereon.

- ☐ Oath / Declaration
- ☐ Power of Attorney
- ☐ Check
- ☐ Deposit Account Order Form
- ☐ Drawings \_\_\_\_\_ sheets
  - ☐ Informal
  - ☐ Formal
- ☐ Assignment
- ☒ Letter (transmittal) and duplicate
- ☐ Information Disclosure
  - ☐ (Prior Art) Statement
- ☐ Notice of Appeal
- ☐ Extension of Time Request
- ☒ Amendment / Response to Office Action
- ☐ Affidavit
- ☐ Petition

- ☐ ITU Trademark Application
- ☐ Issue Fee Transmittal Form
- ☐ Trademark Appn. & Specimens
- ☐ Sec. 8 & 15 Affidavits
- ☐ Trademark Renewal Appn.
- ☐ Utility (regular) Appn.
- ☐ Design Patent Appn.
- ☐ Plant Appn.
- ☐ Terminal Disclaimer
- ☐ PCT Appn.
- ☐ Small Entity Declaration
- ☒ Certificate of Mailing
- ☐ Express Mail Certificate
- ☐ Other \_\_\_\_\_

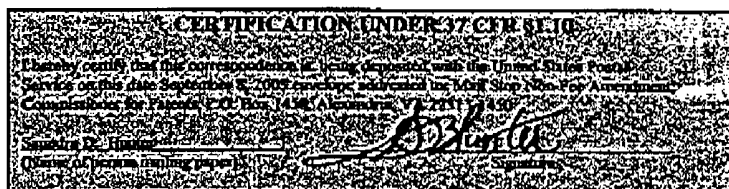


**PATENT**

**DERGOSITS & NOAH LLP**  
**FOUR EMBARCADERO CENTER, SUITE 1450**  
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**(415) 705-6377**

**AMENDMENT TRANSMITTAL**

In re Application of: David C. Yeomans Attorney Docket No.: 582.02  
 Serial No.: 10/006,858  
 Filed: December 5, 2001  
 For: METHODS AND COMPOSITIONS FOR TREATING BACK PAIN



Mail Stop Non-Fee Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is Response for the above-identified application. The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)	
	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional For
Total Claims	8*	Minus	** 20	= 0	x \$18.00	\$ 0
Independent Claims	2*	Minus	*** 3	= 0	x \$86.00	\$ 0
First Presentation of Multiple Dependent Claim					x \$290.00	\$

Total \$0  
 Small Entity 50% Filing Fee Reduction (if applicable) \$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.)

1. ☒ No additional fee is required.
2. ☐ A check in the amount of \$ \_\_\_\_\_ is attached.
3. ☒ Please charge any additional fees, including any fees necessary for extensions of time, or credit any overpayment to Deposit Account No. 04-0822. A duplicate copy of this sheet is enclosed.
4. ☐ Petition for Extension of Time. The undersigned attorney of record hereby petitions for an extension of time pursuant to 37 CFR §1.135(a), as may be required, to file this response.

Dated: December 29, 2003

By:

Samuel S. Lee  
 Registration No. 41,938

PATENT  
ATTORNEY DOCKET NO: 582.02RECEIVED  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 13 2004

In re Application of:

David C. Yeomans

Serial No: 10/006,858

Filed: December 5, 2001

For: **METHODS AND  
COMPOSITIONS FOR  
TREATING BACK PAIN**

Group Art Unit:

1617

Examiner:

Sharareh, Shahnam

## RESPONSE TO OFFICE ACTION

## CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being mailed to the Patent and  
Trademark Office on this date December 29, 2003 addressed to: Mail Stop Non-  
Fee Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA

By:

Saundra D. Hunter

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being submitted in response to an Office Action issued by the Examiner on October 3, 2003. Since this response is being timely filed, Applicants do not believe that a fee is necessitated by filing this response. Applicants respectfully request reconsideration and allowance of this patent application in view of following amendments, arguments and remarks.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.